

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 120

HOUSE BILL 2123

AN ACT

AMENDING SECTION 32-2001, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 19, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-2030; AMENDING SECTION 32-2047, ARIZONA REVISED STATUTES; RELATING TO PHYSICAL THERAPY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-2001, Arizona Revised Statutes, is amended to
3 read:

4 32-2001. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Assistive personnel" includes physical therapist assistants and
7 physical therapy aides and other assistive personnel who are trained or
8 educated health care providers and who are not physical therapist assistants
9 or physical therapy aides but who perform specific designated tasks related
10 to physical therapy under the supervision of a physical therapist. At the
11 discretion of the supervising physical therapist, and if properly
12 credentialed and not prohibited by any other law, other assistive personnel
13 may be identified by the title specific to their training or education. This
14 paragraph does not apply to personnel assisting other health care
15 professionals licensed pursuant to this title in the performance of delegable
16 treatment responsibilities within their scope of practice.

17 2. "Board" means the board of physical therapy.

18 3. "BUSINESS ENTITY" MEANS A BUSINESS ORGANIZATION THAT HAS AN
19 OWNERSHIP THAT INCLUDES ANY PERSONS WHO ARE NOT LICENSED OR CERTIFIED TO
20 PROVIDE PHYSICAL THERAPY SERVICES IN THIS STATE, THAT OFFERS TO THE PUBLIC
21 PROFESSIONAL SERVICES REGULATED BY THE BOARD AND THAT IS ESTABLISHED PURSUANT
22 TO THE LAWS OF ANY STATE OR FOREIGN COUNTRY.

23 ~~3.~~ 4. "General supervision" means that the supervising physical
24 therapist is on call and is readily available via telecommunications when the
25 physical therapist assistant is providing treatment interventions.

26 ~~4.~~ 5. "Interim permit" means a permit issued by the board that allows
27 a person to practice as a physical therapist in this state or to work as a
28 physical therapist assistant for a specific period of time and under
29 conditions prescribed by the board before that person is issued a license or
30 certificate.

31 ~~5.~~ 6. "Manual therapy techniques" means a broad group of passive
32 interventions in which physical therapists use their hands to administer
33 skilled movements designed to modulate pain, increase joint range of motion,
34 reduce or eliminate soft tissue swelling, inflammation, or restriction,
35 induce relaxation, improve contractile and noncontractile tissue
36 extensibility, and improve pulmonary function. These interventions involve a
37 variety of techniques, such as the application of graded forces.

38 ~~6.~~ 7. "On-site supervision" means that the supervising physical
39 therapist is on site and is present in the facility or on the campus where
40 assistive personnel or a holder of an interim permit is performing services,
41 is immediately available to assist the person being supervised in the
42 services being performed and maintains continued involvement in appropriate
43 aspects of each treatment session in which a component of treatment is
44 delegated.

1 ~~7.~~ 8. "Physical therapist" means a person who is licensed pursuant to
2 this chapter.

3 ~~8.~~ 9. "Physical therapist assistant" means a person who meets the
4 requirements of this chapter for certification and who performs physical
5 therapy procedures and related tasks that have been selected and delegated by
6 the supervising physical therapist.

7 ~~9.~~ 10. "Physical therapy" means the care and services provided by or
8 under the direction and supervision of a physical therapist who is licensed
9 pursuant to this chapter.

10 ~~10.~~ 11. "Physical therapy aide" means a person who is trained under
11 the direction of a physical therapist and who performs designated and
12 supervised routine physical therapy tasks.

13 ~~11.~~ 12. "Practice of physical therapy" means:

14 (a) Examining, evaluating and testing persons who have mechanical,
15 physiological and developmental impairments, functional limitations and
16 disabilities or other health and movement related conditions in order to
17 determine a diagnosis, a prognosis and a plan of therapeutic intervention and
18 to assess the ongoing effects of intervention.

19 (b) Alleviating impairments and functional limitations by managing,
20 designing, implementing and modifying therapeutic interventions including:

21 (i) Therapeutic exercise.

22 (ii) Functional training in self-care and in home, community or work
23 reintegration.

24 (iii) Manual therapy techniques.

25 (iv) Therapeutic massage.

26 (v) Assistive and adaptive orthotic, prosthetic, protective and
27 supportive devices and equipment.

28 (vi) Pulmonary hygiene.

29 (vii) Debridement and wound care.

30 (viii) Physical agents or modalities.

31 (ix) Mechanical and electrotherapeutic modalities.

32 (x) Patient related instruction.

33 (c) Reducing the risk of injury, impairments, functional limitations
34 and disability by means that include promoting and maintaining a person's
35 fitness, health and quality of life.

36 (d) Engaging in administration, consultation, education and research.

37 ~~12.~~ 13. "Restricted certificate" means a certificate on which the
38 board has placed any restrictions as the result of a disciplinary action.

39 ~~13.~~ 14. "Restricted license" means a license on which the board places
40 restrictions or conditions, or both, as to the scope of practice, place of
41 practice, supervision of practice, duration of licensed status or type or
42 condition of a patient to whom the licensee may provide services.

43 15. "RESTRICTED REGISTRATION" MEANS A REGISTRATION THE BOARD HAS PLACED
44 ANY RESTRICTIONS ON AS THE RESULT OF DISCIPLINARY ACTION.

1 Sec. 2. Title 32, chapter 19, article 2, Arizona Revised Statutes, is
2 amended by adding section 32-2030, to read:

3 32-2030. Business entities; patient records; protocol;
4 exemptions; violation; rules

5 A. BEGINNING SEPTEMBER 1, 2011, A BUSINESS ENTITY SHALL NOT OFFER
6 PHYSICAL THERAPY SERVICES PURSUANT TO THIS CHAPTER UNLESS:

7 1. THE BUSINESS ENTITY IS REGISTERED WITH THE BOARD PURSUANT TO THIS
8 SECTION.

9 2. THE PHYSICAL THERAPY SERVICES ARE CONDUCTED BY A LICENSEE OR
10 CERTIFICATE HOLDER PURSUANT TO THIS CHAPTER.

11 B. THE BUSINESS ENTITY MUST FILE A REGISTRATION APPLICATION ON A FORM
12 PRESCRIBED BY THE BOARD. THE APPLICATION SHALL INCLUDE:

13 1. A DESCRIPTION OF THE ENTITY'S SERVICES OFFERED TO THE PUBLIC.

14 2. THE NAME OF THE MANAGER WHO IS AUTHORIZED AND WHO IS RESPONSIBLE
15 FOR MANAGING THE PHYSICAL THERAPY SERVICES OFFERED AT EACH OFFICE.

16 3. THE NAMES AND ADDRESSES OF THE OFFICERS AND DIRECTORS OF THE
17 BUSINESS ENTITY.

18 4. A REGISTRATION FEE PRESCRIBED BY THE BOARD BY RULE.

19 C. A BUSINESS ENTITY MUST FILE A SEPARATE REGISTRATION APPLICATION AND
20 PAY A FEE FOR EACH BRANCH OFFICE IN THIS STATE.

21 D. A REGISTRATION EXPIRES ON AUGUST 31 OF ODD NUMBERED YEARS IN
22 ACCORDANCE WITH THE PHYSICAL THERAPIST PROFESSIONAL LICENSING SCHEDULE. A
23 BUSINESS ENTITY THAT WISHES TO RENEW A REGISTRATION MUST SUBMIT AN
24 APPLICATION FOR RENEWAL AS PRESCRIBED BY THE BOARD ON A BIENNIAL BASIS ON A
25 FORM PRESCRIBED BY THE BOARD BEFORE THE EXPIRATION DATE. AN ENTITY THAT
26 FAILS TO RENEW THE REGISTRATION BEFORE THE EXPIRATION DATE IS SUBJECT TO A
27 LATE FEE AS PRESCRIBED BY THE BOARD BY RULE.

28 E. THE BUSINESS ENTITY MUST NOTIFY THE BOARD IN WRITING WITHIN THIRTY
29 DAYS AFTER ANY CHANGE:

30 1. IN THE BUSINESS ENTITY'S NAME, ADDRESS OR TELEPHONE NUMBER.

31 2. IN THE OFFICERS OR DIRECTORS OF THE BUSINESS ENTITY.

32 3. IN THE NAME OF THE MANAGER WHO IS AUTHORIZED AND WHO IS RESPONSIBLE
33 FOR MANAGING THE PHYSICAL THERAPY SERVICES IN ANY FACILITY.

34 F. THE BUSINESS ENTITY MUST ESTABLISH AND IMPLEMENT A WRITTEN PROTOCOL
35 FOR THE SECURE STORAGE, TRANSFER AND ACCESS OF THE PHYSICAL THERAPY RECORDS
36 OF THE BUSINESS ENTITY'S PATIENTS. THIS PROTOCOL MUST INCLUDE, AT A MINIMUM,
37 PROCEDURES FOR:

38 1. NOTIFYING PATIENTS OF THE FUTURE LOCATIONS OF THEIR RECORDS IF THE
39 BUSINESS ENTITY TERMINATES OR SELLS THE PRACTICE.

40 2. DISPOSING OF UNCLAIMED PHYSICAL THERAPY RECORDS.

41 3. THE TIMELY RESPONSE TO REQUESTS BY PATIENTS FOR COPIES OF THEIR
42 RECORDS.

43 G. THE BUSINESS ENTITY MUST NOTIFY THE BOARD WITHIN THIRTY DAYS AFTER
44 THE DISSOLUTION OF ANY REGISTERED BUSINESS ENTITY OR THE CLOSING OR

1 RELOCATION OF ANY FACILITY AND MUST DISCLOSE TO THE BOARD THE ENTITY'S
2 PROCEDURE BY WHICH ITS PATIENTS MAY OBTAIN THEIR RECORDS.

3 H. THIS SECTION DOES NOT APPLY TO:

4 1. A SOLE PROPRIETORSHIP OR PARTNERSHIP THAT CONSISTS EXCLUSIVELY OF
5 PERSONS WHO ARE LICENSED BY A HEALTH PROFESSION REGULATORY BOARD AS DEFINED
6 IN SECTION 32-3201.

7 2. A FACILITY REGULATED BY THE FEDERAL GOVERNMENT OR A STATE, DISTRICT
8 OR TERRITORY OF THE UNITED STATES.

9 3. AN ADMINISTRATOR OR EXECUTOR OF THE ESTATE OF A DECEASED PHYSICAL
10 THERAPIST OR A PERSON WHO IS LEGALLY AUTHORIZED TO ACT FOR A PHYSICAL
11 THERAPIST WHO HAS BEEN ADJUDICATED TO BE MENTALLY INCOMPETENT FOR NOT MORE
12 THAN ONE YEAR FROM THE DATE THE BOARD RECEIVES NOTICE OF THE PHYSICAL
13 THERAPIST'S DEATH OR INCAPACITATION.

14 4. A HEALTH CARE INSTITUTION THAT IS LICENSED PURSUANT TO TITLE 36.

15 I. A FACILITY THAT OFFERS PHYSICAL THERAPY SERVICES TO THE PUBLIC BY
16 PERSONS LICENSED UNDER THIS CHAPTER MUST BE REGISTERED BY THE BOARD UNLESS
17 THE FACILITY IS ANY OF THE FOLLOWING:

18 1. OWNED BY A LICENSEE.

19 2. REGULATED BY THE FEDERAL GOVERNMENT OR A STATE, DISTRICT OR
20 TERRITORY OF THE UNITED STATES.

21 J. EXCEPT FOR ISSUES RELATING TO INSURANCE CODING AND BILLING THAT
22 REQUIRE THE NAME, SIGNATURE AND LICENSE NUMBER OF THE PHYSICAL THERAPIST
23 PROVIDING TREATMENT, THIS SECTION DOES NOT:

24 1. AUTHORIZE A LICENSEE IN THE COURSE OF PROVIDING PHYSICAL THERAPY
25 SERVICES FOR AN ENTITY REGISTERED PURSUANT TO THIS SECTION TO DISREGARD OR
26 INTERFERE WITH A POLICY OR PRACTICE ESTABLISHED BY THE ENTITY FOR THE
27 OPERATION AND MANAGEMENT OF THE BUSINESS.

28 2. AUTHORIZE A BUSINESS ENTITY REGISTERED PURSUANT TO THIS SECTION TO
29 ESTABLISH OR ENFORCE A BUSINESS POLICY OR PRACTICE THAT MAY INTERFERE WITH
30 THE PROFESSIONAL JUDGMENT OF THE LICENSEE IN PROVIDING PHYSICAL THERAPY
31 SERVICES FOR THE BUSINESS ENTITY OR MAY COMPROMISE A LICENSEE'S ABILITY TO
32 COMPLY WITH THIS CHAPTER.

33 K. THE BOARD SHALL ADOPT RULES THAT PROVIDE A METHOD FOR THE BOARD TO
34 RECEIVE THE ASSISTANCE AND ADVICE OF BUSINESS ENTITIES REGISTERED PURSUANT TO
35 THIS SECTION IN ALL MATTERS RELATING TO THE REGULATION OF BUSINESS ENTITIES.

36 L. THE BOARD SHALL ADOPT RULES NECESSARY TO ENFORCE THIS CHAPTER IN
37 THE PRACTICE SETTINGS OF ITS LICENSEES, CERTIFICATE HOLDERS AND REGISTRANTS
38 IF THE PRACTICE SETTINGS ARE NOT REGULATED BY THE DEPARTMENT OF HEALTH
39 SERVICES.

40 Sec. 3. Section 32-2047, Arizona Revised Statutes, is amended to read:
41 32-2047. Disciplinary actions; penalties

42 On proof that any grounds prescribed in section 32-2044 have been
43 violated OR THAT ANY REQUIREMENTS IN SECTION 32-2030 HAVE BEEN VIOLATED, the
44 board may take the following disciplinary actions singly or in combination:

45 1. Issue a decree of censure.

- 1 2. Restrict a license, ~~or~~ a certificate OR REGISTRATION. The board
- 2 may require a licensee, ~~or~~ certificate holder OR REGISTRANT to report
- 3 regularly to the board on matters related to the grounds for the restricted
- 4 license or certificate.
- 5 3. Suspend a license, ~~or~~ certificate OR REGISTRATION for a period
- 6 prescribed by the board.
- 7 4. Revoke a license, ~~or~~ certificate OR REGISTRATION.
- 8 5. Refuse to issue or renew a license, ~~or~~ certificate OR REGISTRATION.
- 9 6. Impose a civil penalty of at least two hundred fifty dollars but
- 10 not more than ten thousand dollars for each violation of this chapter. In
- 11 addition the board may assess and collect the reasonable costs incurred in a
- 12 disciplinary hearing when action is taken against a person's license or
- 13 certificate.
- 14 7. Accept a voluntary surrendering of a license, ~~or~~ certificate OR
- 15 REGISTRATION, if approved by the board.

APPROVED BY THE GOVERNOR APRIL 23, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 26, 2010.